

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

PHI CAM LUONG,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

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No. 3:12-cv-  
01220-HU

**OPINION AND  
ORDER**

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Attorney for Defendant

HUBEL, Magistrate Judge:

On June 20, 2013, this Court issued a Findings and Recommendation, in which it recommended granting Defendant U.S. Bank National Association's motion to dismiss this employment-related action with prejudice. Plaintiff Phi Cam Luong ("Plaintiff") filed timely objections to the Findings and Recommendation. On August 14, 2013, Judge Brown adopted the Court's Findings and Recommendation in its entirety, and a judgment of dismissal was entered.

Now before the Court is Plaintiff's Motion to Meet Judge Hubel, filed on September 13, 2013. In the motion, Plaintiff and a third party "mediator"/ translator, Bick Huynh, seek to meet with the undersigned to discuss the legal underpinnings of the June 20, 2013 Findings and Recommendation. It is well settled that "[a] judge shall not initiate, permit, or consider ex parte communications . . . except . . . ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits." *Wisdom v. Michaelson*, No. 1:10-cv-002-CWD, 2011 WL 1100792, at \*3 n.3 (D. Idaho Mar. 22, 2011), *aff'd in part and vacated in part on other grounds*, 2013 WL 2242654 (9th Cir. 2013).

It is also noteworthy that, on September 13, 2013, Plaintiff filed the pending motion, and less than two hours later she filed a notice of appeal of the dismissal of her case. "The filing of a notice of appeal is an event of jurisdictional significance-it confers jurisdiction on the court of appeals and

1 divests the district court of its control over those aspects of  
2 the case involved in the appeal." *Griggs v. Provident Consumer*  
3 *Disc. Co.*, 459 U.S. 56, 58-59 (1982) (per curiam).

4 Because the ex parte conference requested by Plaintiff is  
5 not appropriate, and because this Court no longer has  
6 jurisdiction of the substantive issues Plaintiff wishes to  
7 discuss privately with the Court, Plaintiff's Motion (Docket No.  
8 43) to Meet Judge Hubel is denied.

9 IT IS SO ORDERED

10 Dated this 17th day of September, 2013.

11 /s/ Dennis J. Hubel

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DENNIS J. HUBEL

13 United States Magistrate Judge  
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